

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,
Plaintiff,
v.
JOSE ANGEL MORENO,
Defendant.

Case No. 11-cr-00355 EJD

**ORDER DENYING DEFENDANT'S
2255 MOTION; DENYING MOTION
FOR APPOINTMENT OF COUNSEL**

Docket Nos. 852, 854

Pursuant to a plea agreement dated May 5, 2016, Defendant Jose Angel Moreno ("Defendant") pled guilty to Racketeering Conspiracy in violation of 18 U.S.C. § 1962(d) and to Use of a Firearm in Relation to a Crime of Violence, in violation of 18 U.S.C. § 924(c). Dkt. No. 540. Defendant was sentenced to a custodial term of 160 months and 5 years of supervised release. Dkt. 606. Judgment was entered on August 8, 2018. *Id.*

Presently before the court are Defendants' (1) motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255 and (2) motion for appointment of counsel.

Pursuant to paragraph 5 of the plea agreement, Defendant agreed not and waived his right to file any collateral attack on his conviction or sentence including a petition under 28 U.S.C. § 2255. Defendant's motions are therefore DENIED.

IT IS SO ORDERED.

Dated: April 17, 2019



EDWARD J. DAVILA
United States District Judge

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